

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

C.R.P. No.6419 of 2017

ORDER:

Heard learned counsel for petitioner.

2) This Court finds no exigency to order notice to the respondents having regard to the facts involved in this case. The Execution Petition (E.P) is filed for realisation of the compensation amount awarded in O.P.No.547 of 1996 by the Motor Accident Claims Tribunal-cum-IV Additional District Judge (FTC), at Mahabubnagar.

3) The main plank of argument of learned counsel for revision petitioner Sri Srinivasa Rao Vutla, is that the E.P is filed beyond the period of limitation and hence it is liable to be dismissed in limini but the E.P was erroneously numbered by the Executing Court. His next contention is that the original claimant died and his LRs straightaway filed the E.P. without filing LR application, which is not maintainable under law. On these submissions, he sought for setting aside the E.P.

4) In the considered opinion of this Court, the contentions raised by the petitioner needs hearing by the Executing Court. Therefore, without expressing any view on the contentions raised by the petitioner, liberty is given to the petitioner to approach the Execution Court and raise the aforesaid contentions in the form of counter, in which case the Execution Court shall pass an appropriate order on merits. The petitioner is given permission to appear before the

Execution Court and file counter within three(3) weeks from the date of this order, till which time all further proceedings in the E.P.No.570 of 2016 in O.P.No.547 of 1996 on the file of MACT-cum-IV Additional District Judge at Mahabubnagar, are stayed.

5) Accordingly, this CRP is disposed of at the admission stage.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 20.11.2017

Note:

- i) Issue CC by tomorrow.
- ii) Registry is directed to send a copy of this order to the Execution Court immediately.

(b/o)
scs

